

UNITED STATES DISTRICT COURT

ORIGINAL

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable JON S. TIGAR, Judge

LAURI VALJAKKA,)	Motion to Withdraw
)	
Plaintiff,)	
)	
vs.)	NO. C 22-01490 JST
)	
NETFLIX, INC.,)	Pages 1 - 9
)	
Defendant.)	Oakland, California
_____)	Thursday, February 29, 2024

REPORTER'S TRANSCRIPT OF ZOOM WEBINAR PROCEEDINGS

APPEARANCES VIA ZOOM WEBINAR:

For Plaintiff: Ramey LLP
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Houston, Texas 77006
BY: WILLIAM P. RAMEY, ATTORNEY AT LAW

For Defendant: Perkins Coie LLP
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BY: SARAH PIEPMEIER, ATTORNEY AT LAW

(Appearances continued next page)

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transcript produced by computer-aided transcription.

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A P P E A R A N C E S (CONT'D.)

For Third Party
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BY: JOSEPH J. ZITO, ATTORNEY AT LAW

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Thursday, February 29, 2024

2:00 p.m.

P R O C E E D I N G S

(Zoom Webinar)

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THE CLERK: Your Honor, now calling civil matter 22-1490, Lauri Valjakka v. Netflix.

If counsel could please state their appearances for the record starting with counsel for plaintiff.

THE COURT: Mr. Ramey, your microphone is muted.

(Pause in the proceedings.)

THE COURT: Mr. Ramey, would you nod head if you're able to hear me?

In the bottom left-hand corner of your screen is the image of a microphone, and immediately next to that image is a small caret, c-a-r-e-t, looks like an inverted "V." If you click on the caret, a menu will pop up that will allow you to unmute your microphone. It may also be that there is a red bar across the picture of the microphone, and if you just click on the microphone, it will unmute. One of those strategies is almost certain to be successful.

(Pause in the proceedings.)

MR. RAMEY: There we are, Your Honor. Sorry about that. I was having bigger technical issues than that my computer lock on me. I apologize.

1 **THE COURT:** Yes, I can hear you just fine. Thank
2 you.

3 Why don't you enter your appearance.

4 **MR. RAMEY:** Yes, Your Honor. Mr. Ramey for the
5 plaintiff Lauri Valjakka, and we're ready to proceed, Your
6 Honor.

7 **THE COURT:** Thank you. Other counsel.

8 **MS. PIEPMEIER:** Your Honor, good afternoon. Sarah
9 Piepmeier from Perkins Coie on behalf of defendant Netflix.
10 And with me but not on camera is my client Asa Wynn-Grant.

11 Thank you, Your Honor.

12 **MR. ZITO:** This is Joseph Zito for nonparty AiPi.

13 **THE COURT:** Welcome.

14 Matter's on calendar this afternoon for Mr. Ramey's motion
15 to withdraw. He bases that motion on two grounds. One is
16 that he's having difficulty communicating with his client.
17 The second is that he's not getting paid.

18 This case has an interesting set of facts as it pertains
19 to Mr. Ramey's representation because everyone agrees that the
20 agreement that was reached was that a third party would pay
21 Mr. Ramey's fees but the client would be Mr. Valjakka.

22 And there are lots of interesting questions here about
23 who's directing the litigation and so forth.

24 But at the end of the day, Mr. Ramey's not being paid, and
25 I'm not aware of any case that would at this moment in a civil

1 case where the amount of proceedings under the CUVTA hasn't
2 even really been determined in which a court would compel a
3 lawyer in a civil case to keep representing his client without
4 being paid.

5 So the Court's indicated ruling would be to grant the
6 motion, but as Netflix requests, and as Mr. Ramey acknowledges
7 in his opposition, to maintain jurisdiction over Mr. Ramey for
8 the purpose of the remaining proceedings in the case.

9 So that's the tentative.

10 I thought you might want to know that before you decided
11 whether there's anything further you wanted to say.

12 Mr. Ramey, is there argument you'd like to make?

13 **MR. RAMEY:** None, Your Honor. We're -- that's fine
14 with us.

15 **THE COURT:** Ms. Piepmeier.

16 **MS. PIEPMEIER:** Thank you, Your Honor.

17 I'd like to -- Netflix will take whatever ruling Your
18 Honor deems appropriate here. I'd like to raise one
19 consideration for the Court to -- to think about.

20 And that is that the Court has indicated a potential
21 desire to send the parties to a mediation proceeding. And
22 Netflix stands ready to do that at the appropriate time.

23 We would suggest that that happen after resolution of the
24 joinder motion of AIPI and after any discovery that has been
25 sought from AIPI, whether that is as a party or third party,

1 be received.

2 But, Your Honor, we do think that it would be beneficial
3 for all involved at any mediation that occurs to have counsel
4 for Mr. Valjakka present. And I say that for two reasons.
5 First of all, we conducted one mediation previously in the
6 matter. And without breaching any mediation privilege, which
7 I know I can't talk about the substance of the mediation, but
8 I will say that having counsel present for Mr. Valjakka was a
9 helpful portion of that proceeding.

10 And we believe because the fourth factor of this
11 withdrawal test is whether this would delay resolution, that
12 having Mr. Ramey or -- or counsel for Valjakka, if it's not
13 Mr. Ramey, somebody else -- I can't think of who that would
14 be -- but Mr. Ramey present for any mediation would be
15 helpful.

16 One way to think about this is that that would not compel
17 Mr. Ramey to spend significant resources if he's not being
18 paid, all of that, et cetera, but may actually permit the
19 parties to have a shot at resolution short of trial.

20 I take Your Honor's point that compelling a lawyer to
21 represent a client when he's not being paid by whoever it is
22 who's supposed to pay him all the way through trial is a steep
23 ask, and we're completely cognizant of that.

24 I'm certainly cognizant of that as a lawyer who bills
25 clients. But one thing for consideration is whether the

1 parties could conduct a mediation that would benefit from
2 presence from counsel.

3 And I also think that having that mediation -- the second
4 point I would say is having that mediation with all of the
5 interested parties at the table -- and that would include
6 AIPI, counsel for Mr. Valjakka, Mr. Valjakka himself -- would
7 be beneficial towards potential resolution.

8 So I throw that out there, Your Honor, as a consideration.
9 I -- this is not something that, you know, we believe is
10 absolutely necessary. But it could be a partial compromise
11 position that kind of bridges a gap there.

12 We agree, however, with the point about maintaining
13 jurisdiction over Mr. Ramey and his firm at the time that he
14 withdraws, whenever that is.

15 **THE COURT:** I'll think about it.

16 What you're asking is, I think, for me to order Mr. Ramey
17 to represent Mr. Valjakka for free at a mediation so Netflix
18 has a better chance of resolving the case in mediation.
19 That's the request.

20 Besides the problems that are apparent on the surface of
21 what I just said, you've also indicated that you don't think a
22 mediation could take place until some other intervening
23 litigation events, during which presumably based on your
24 request, Mr. Valjakka would be unrepresented.

25 So, you know, I'll think about it. But this is a messy

1 situation. And in your mediation, Netflix presumably -- since
2 the only thing [sic] that are left I think at this point are
3 Netflix's affirmative claims -- Netflix wants money. That
4 would be the point of going to a mediation. And I have that
5 in mind, too.

6 **MS. PIEPMEIER:** Thank you, Your Honor.

7 May I respond briefly?

8 **THE COURT:** Sure.

9 **MS. PIEPMEIER:** Briefly, that -- money is a point of
10 mediation. It's not the only point. And I -- I apologize if
11 I suggested that the purpose of -- of Mr. Ramey representing
12 Mr. Valjakka would be to benefit Netflix at a mediation.

13 I actually think it would benefit the eventual resolution
14 of this case to have a skilled lawyer present at the mediation
15 as opposed to just having a party directly present.

16 **THE COURT:** Well, I take your point.

17 **MS. PIEPMEIER:** That was my point.

18 **THE COURT:** I take your point. And -- and the
19 benefit to Netflix would be indirect. There's no question.

20 But Mr. Valjakka is not even here. He elected not to
21 appear at this proceeding. And we're talking about the
22 representation of his interests at a later event that hasn't
23 transpired yet, which would be preceded by some other
24 litigation event in which he would either have a direct or
25 indirect interest. And I don't know what he wants.

1 So these are all things I would have to take into
2 consideration.

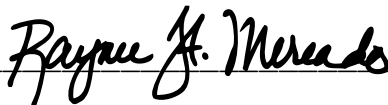
3 Anyway, thank you all for your comments. The motion's now
4 under submission.

5 (Proceedings were concluded at 2:10 P.M.)

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9 **CERTIFICATE OF REPORTER**

10
11 I certify that the foregoing is a correct transcript
12 from the record of proceedings in the above-entitled matter.
13 I further certify that I am neither counsel for, related to,
14 nor employed by any of the parties to the action in which this
15 hearing was taken, and further that I am not financially nor
16 otherwise interested in the outcome of the action.

17
18 

19 Raynee H. Mercado, CSR, RMR, CRR, FCRR, CCRR

20 Monday, March 4, 2024